

EXHIBIT 4

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*Counsel for Individual and
Representative Plaintiffs and the
Proposed Class*

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

RICHARD KADREY, SARAH SILVERMAN,
CHRISTOPHER GOLDEN, TA-NEHISI
COATES, JUNOT DÍAZ, ANDREW SEAN
GREER, DAVID HENRY HWANG,
MATTHEW KLAM, LAURA LIPPMAN,
RACHEL LOUISE SNYDER, JACQUELINE
WOODSON, AND LYSA TERKEURST,

Individual and Representative Plaintiffs,

v.

META PLATFORMS, INC.;

Defendant.

Case No. 3:23-cv-03417-VC

**PLAINTIFF TA-NEHISI COATES'S
RESPONSES AND OBJECTIONS TO
DEFENDANT META PLATFORMS,
INC.'S THIRD SET OF REQUESTS FOR
ADMISSION**

PROPOUNDING PARTY: Defendant Meta Platforms, Inc.

RESPONDING PARTY: TA-NEHISI COATES

SET NUMBER: Three (3)

no response is required; and to the extent one is required, Plaintiff lacks sufficient knowledge to either admit or deny this Request.

REQUEST FOR ADMISSION 69:

Admit that YOU have not granted the publishers of YOUR ASSERTED WORK(S) the right to license the ASSERTED WORK(S) as training data for LLMs.

RESPONSE TO REQUEST NO. 69:

Plaintiff objects to this Request as unreasonably cumulative of Requests for Admissions Numbers 9, 10, and 11. *See e.g., Thorpe v. Hearn*, No. 219CV1974KJMKJNP, 2022 WL 902891, at *5 (E.D. Cal. Mar. 28, 2022) (“Where requests for admission ... are unreasonably cumulative and duplicative of other discovery taken in the case, the requests do not serve the purpose of Rule 36(a) and are properly subject to objection.”) (internal citations omitted); *see also K.C.R. v. Cnty. of Los Angeles*, No. CV 13-3806 PSG SSX, 2014 WL 3433925, at *4 (C.D. Cal. July 14, 2014). Subject to and without waiver of the foregoing objections, Plaintiff admits that Plaintiff has entered into licensing agreements with Plaintiff’s publisher for the ASSERTED WORKS and directs Meta to the terms of such licensing agreements, which speak for themselves.

REQUEST FOR ADMISSION 70:

Admit that the publishers of YOUR ASSERTED WORK(S) do not possess the right to license the ASSERTED WORK(S) as training data for LLMs.

RESPONSE TO REQUEST NO. 70:

Plaintiff objects to this Request as unreasonably cumulative of Requests for Admissions Numbers 9, 10, 11, and 69. *See e.g., Thorpe v. Hearn*, No. 219CV1974KJMKJNP, 2022 WL 902891, at *5 (E.D. Cal. Mar. 28, 2022) (“Where requests for admission ... are unreasonably cumulative and duplicative of other discovery taken in the case, the requests do not serve the purpose of Rule 36(a) and are properly subject to objection.”) (internal citations omitted); *see also K.C.R. v. Cnty. of Los Angeles*, No. CV 13-3806 PSG SSX, 2014 WL 3433925, at *4 (C.D. Cal. July 14, 2014). Subject to and without waiver of the foregoing objections, Plaintiff admits that Plaintiff has entered into

1 licensing agreements with Plaintiff's publisher for the ASSERTED WORKS and directs Meta to
 2 the terms of such licensing agreements, which speak for themselves.

3 **REQUEST FOR ADMISSION 71:**

4 Admit that the publishers of YOUR ASSERTED WORK(S) would need YOUR permission to
 5 license the ASSERTED WORK(S) as training data for LLMs.

6 **RESPONSE TO REQUEST NO. 71:**

7 Plaintiff objects to this Request as vague and ambiguous as to the phrase, "YOUR permission.
 8 Plaintiff further objects to this Request because it is an incomplete hypothetical untethered to the
 9 facts of the case. *See, e.g., Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at *5 (N.D. Ill. Dec.
 10 7, 2016) ("Since requests to admit 'must be connected to the facts of the case, courts do not permit
 11 "hypothetical" questions within requests for admission.'"); *Fullhorst v. Un. Techs. Auto., Inc.*, 1997
 12 WL 873548, at *3 (D. Del. Nov. 17, 1997) (denying request "asking Plaintiff to admit to
 13 infringement in the context of the hypothetical use of its device"); Fed. R. Civ. P. 36 advisory
 14 committee's note to 1946 amendment; *Universal Dyeing & Printing, Inc. v. Zoetop Bus. Co.*, No.
 15 CV223741FLARAOX, 2023 WL 9004983, at *21 (C.D. Cal. June 23, 2023) (denying motion to
 16 compel where the Request for Admission was a hypothetical not tied to the facts at issue and an
 17 affirmative response would not reduce the burden on a jury at trial) (*citing Advantus, Corp. v.*
 18 *Sandpiper of Cal., Inc.*, No.: 19cv1892-CAB (NLS), 2021 WL 2038318, at *2 (S.D. Cal. May 21,
 19 2021) and *Apple Inc. v. Samsung Elecs. Co.*, No. C 11-cv-1846 LHK (PSG), 2012 WL 952254, at
 20 *4 (N.D. Cal. Mar. 20, 2012)). Subject to and without waiver of the foregoing objections, Plaintiff
 21 admits this Request.

22 **REQUEST FOR ADMISSION 72:**

23 Admit that YOU have not granted another PERSON the right to license YOUR ASSERTED
 24 WORK(S) as training data for LLMs.

25 **RESPONSE TO REQUEST NO. 72:**

REQUEST FOR ADMISSION 76:

Admit that you are not aware of any agreements to assign rights in or to YOUR ASSERTED WORK(S) that have not already been produced in this ACTION.

RESPONSE TO REQUEST NO. 76:

Plaintiff objects to this Request as vague and ambiguous as to the phrase “any agreements” and “assign rights in or to.” Plaintiff further objects to this Request as compound and ambiguous, because it includes the disjunctive phrase, “in or to.” “[R]equests for admissions should not contain ‘compound, conjunctive, or disjunctive ... statements.’” *James v. Maguire Corr. Facility*, No. C 10-1795 SI PR, 2012 WL 3939343, at *4 (N.D. Cal. Sept. 10, 2012) (*quoting U.S. ex rel. England v. Los Angeles County*, 235 F.R.D. 675, 684 (E.D. Cal. 2006)); *see also King v. Biter*, No. 115CV00414LJOSABPC, 2018 WL 339052, at *6 (E.D. Cal. Jan. 9, 2018). Subject to and without waiving the foregoing objections, Plaintiff admits discovery is ongoing. Plaintiff further admits that Plaintiff has produced non-privileged documents in Plaintiff’s possession, custody, or control, responsive to Meta’s requests for production regarding licensing agreements for Plaintiff’s ASSERTED WORKS. Plaintiff otherwise denies this Request.

Dated: November 18, 2024

By: /s/Mohammed A. Rathur
Mohammed A. Rathur

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Counsel for Plaintiffs and the Proposed Class

CERTIFICATE OF SERVICE

The undersigned certifies that on November 18, 2024 a true and accurate copy of the following document was served via email on the following counsel of record in the attached service list:

- **PLAINTIFF TA-NEHISI COATES'S RESPONSES AND OBJECTIONS TO DEFENDANT META PLATFORMS, INC.'S THIRD SET OF REQUESTS FOR ADMISSION**

/s/Mohammed A. Rathur

Mohammed A. Rathur

Bryan L. Clobes (pro hac vice)

Alexander J. Sweatman (pro hac vice)

Mohammed A. Rathur (pro hac vice)

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*Counsel for Individual and
Representative Plaintiffs and the
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

RICHARD KADREY, SARAH SILVERMAN,
CHRISTOPHER GOLDEN, TA-NEHISI
COATES, JUNOT DÍAZ, ANDREW SEAN
GREER, DAVID HENRY HWANG,
MATTHEW KLAM, LAURA LIPPMAN,
RACHEL LOUISE SNYDER, JACQUELINE
WOODSON, AND LYSA TERKEURST,

Individual and Representative Plaintiffs,

v.

META PLATFORMS, INC.;

Defendant.

Case No. 3:23-cv-03417-VC

**PLAINTIFF JUNOT DIAZ'S
RESPONSES AND OBJECTIONS TO
DEFENDANT META PLATFORMS,
INC.'S THIRD SET OF REQUESTS FOR
ADMISSION**

PROPOUNDING PARTY: Defendant Meta Platforms, Inc.

RESPONDING PARTY: JUNOT DIAZ

SET NUMBER: Three (3)

*4 (N.D. Cal. Mar. 20, 2012)). Plaintiff further objects to this Request as an improper use of requests for admissions under Federal Rule 36 because it reflects an attempt by Meta to gather evidence regarding a new topic and non-defendant, rather than an effort to narrow the issues for trial. “The goal of Requests for Admission is to eliminate from the trial issues as to which there is no genuine dispute and, therefore, Requests for Admissions are not intended to be used as means of gathering evidence.” *Bovarie v. Schwarzenegger*, No. 08CV1661 LAB NLS, 2011 WL 719206, at *6 (S.D. Cal. Feb. 22, 2011) (citing *Google Inc. v. American Blind & Wallpaper Factory, Inc.*, 2006 WL 2578277 (N.D. Cal. Sept. 6, 2006)). To discover new information, parties must use other methods, like depositions, document requests, or interrogatories. *See, e.g., Republic of Turkey v. Christie’s, Inc.*, 326 F.R.D. 394, 399 (S.D.N.Y. 2018) (explaining that “[w]hile the basic purpose of discovery is to elicit facts and information and to obtain production of documents, Rule 36 was not designed for this purpose”) (quoting 7 Moore’s Federal Practice § 36.02[1]); *Spectrum Dynamics Med. Ltd. V. Gen. Elec. Co.*, 18CV11386VSBKHP, 2021 WL 735241, at *2 (S.D.N.Y. Feb. 25, 2021) (explaining that RFAs “are not designed to discover information like other discovery rules such as Rule 34” and excusing a party from responding where RFAs were “tantamount to contention interrogatories”). Plaintiff further objects to this Request as calling for legal analysis and a legal conclusion. Subject to and without waiver of the foregoing objections, no response is required; and to the extent one is required, Plaintiff lacks sufficient knowledge to either admit or deny this Request.

REQUEST FOR ADMISSION 67:

Admit that YOU have not granted the publishers of YOUR ASSERTED WORK(S) the right to license the ASSERTED WORK(S) as training data for LLMs.

RESPONSE TO REQUEST NO. 67:

Plaintiff objects to this Request as unreasonably cumulative of Requests for Admissions Numbers 9, 10, and 11. *See e.g., Thorpe v. Hearn*, No. 219CV1974KJMKJNP, 2022 WL 902891, at *5 (E.D. Cal. Mar. 28, 2022) (“Where requests for admission ... are unreasonably cumulative and

1 duplicative of other discovery taken in the case, the requests do not serve the purpose of Rule 36(a)
 2 and are properly subject to objection.”) (internal citations omitted); *see also K.C.R. v. Cnty. of Los*
 3 *Angeles*, No. CV 13-3806 PSG SSX, 2014 WL 3433925, at *4 (C.D. Cal. July 14, 2014). Subject
 4 to and without waiver of the foregoing objections, Plaintiff admits that Plaintiff has entered into
 5 licensing agreements with Plaintiff’s publisher for the ASSERTED WORKS and directs Meta to
 6 the terms of such licensing agreements, which speak for themselves.

7 **REQUEST FOR ADMISSION 68:**

8 Admit that the publishers of YOUR ASSERTED WORK(S) do not possess the right to license the
 9 ASSERTED WORK(S) as training data for LLMs.

10 **RESPONSE TO REQUEST NO. 68:**

11 Plaintiff objects to this Request as unreasonably cumulative of Requests for Admissions Numbers
 12 9, 10, 11, and 69. *See e.g., Thorpe v. Hearn*, No. 219CV1974KJMKJNP, 2022 WL 902891, at *5
 13 (E.D. Cal. Mar. 28, 2022) (“Where requests for admission ... are unreasonably cumulative and
 14 duplicative of other discovery taken in the case, the requests do not serve the purpose of Rule 36(a)
 15 and are properly subject to objection.”) (internal citations omitted); *see also K.C.R. v. Cnty. of Los*
 16 *Angeles*, No. CV 13-3806 PSG SSX, 2014 WL 3433925, at *4 (C.D. Cal. July 14, 2014). Subject
 17 to and without waiver of the foregoing objections, Plaintiff admits that Plaintiff has entered into
 18 licensing agreements with Plaintiff’s publisher for the ASSERTED WORKS and directs Meta to
 19 the terms of such licensing agreements, which speak for themselves.

20 **REQUEST FOR ADMISSION 69:**

21 Admit that the publishers of YOUR ASSERTED WORK(S) would need YOUR permission to
 22 license the ASSERTED WORK(S) as training data for LLMs.

23 **RESPONSE TO REQUEST NO. 69:**

24 Plaintiff objects to this Request as vague and ambiguous as to the phrase, “YOUR permission.
 25 Plaintiff further objects to this Request because it is an incomplete hypothetical untethered to the
 26 facts of the case. *See, e.g., Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at *5 (N.D. Ill. Dec.

1 115CV00414LJOSABPC, 2018 WL 339052, at *6 (E.D. Cal. Jan. 9, 2018). Subject to and without
2 waiving the foregoing objections, Plaintiff admits discovery is ongoing. Plaintiff further admits
3 that Plaintiff has produced non-privileged documents in Plaintiff's possession, custody, or control,
4 responsive to Meta's requests for production regarding licensing agreements for Plaintiff's
5 ASSERTED WORKS. Plaintiff otherwise denies this Request.

6
7
8 Dated: November 18, 2024

By: /s/Mohammed A. Rathur
Mohammed A. Rathur

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27

CERTIFICATE OF SERVICE

The undersigned certifies that on November 18, 2024 a true and accurate copy of the following document was served via email on the following counsel of record in the attached service list:

- **PLAINTIFF JUNOT DIAZ'S RESPONSES AND OBJECTIONS TO
DEFENDANT META PLATFORMS, INC.'S THIRD SET OF REQUESTS FOR
ADMISSION**

/s/Mohammed A. Rathur

Mohammed A. Rathur

Bryan L. Clobes (pro hac vice)

Alexander J. Sweatman (pro hac vice)

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Attorneys for Plaintiff
Christopher Farnsworth and
Representative Plaintiffs and the Proposed Class

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

RICHARD KADREY, *et al.*,

Individual and Representative
Plaintiffs,

Case No. 3:23-cv-03417-VC

PLAINTIFF CHRISTOPHER
FARNSWORTH'S RESPONSES TO
DEFENDANT'S FIRST SET OF REQUESTS
FOR ADMISSIONS

PLAINTIFF CHRISTOPHER FARNSWORTH'S
RESPONSES TO RFA'S, SET 1
No. 3:23-CV-03417-VC

v.

META PLATFORMS, INC, a Delaware corporation,

Defendant.

PROPOUNDING PARTY: DEFENDANT META PLATFORMS, INC.

RESPONDING PARTY: PLAINTIFF CHRISTOPHER FARNSWORTH

SET NO.: ONE

INTRODUCTION

Plaintiff Christopher Farnsworth (“Plaintiff”) hereby serves his responses and objections to Defendant Meta Platforms, Inc.’s (“Defendant” or “Meta”) First Set of Requests for Admissions (the “Requests” or “RFAs”).

GENERAL OBJECTIONS

1. Plaintiff generally objects to Defendant’s definitions and instructions to the extent they purport to require Plaintiff to respond in any way beyond what is required by the Federal and local rules.

2. Plaintiff objects to the Requests to the extent they seek information or materials that are protected from disclosure by attorney-client privilege, the work product doctrine, expert disclosure rules, or other applicable privileges and protections, including communications with Plaintiff’s attorneys regarding the Action.

3. Discovery in this matter is ongoing and Plaintiff reserves the right to amend, modify, or supplement these responses with subsequently discovered responsive information and to introduce and rely upon any such subsequently discovered information in this litigation.

1 where RFAs were “tantamount to contention interrogatories”). Plaintiff further objects to this
 2 Request as calling for legal analysis and a legal conclusion.

3 Subject to and without waiving these general and specific objections, no response is
 4 required; and to the extent one is required, Plaintiff lacks sufficient knowledge to either admit or
 5 deny this Request.

6 **REQUEST FOR ADMISSION NO. 74:**

7 Admit that YOU have not granted the publishers of YOUR ASSERTED WORK(S) the
 8 right to license the ASSERTED WORK(S) as training data for LLMs.

9 **RESPONSE TO REQUEST FOR ADMISSION NO. 73:**

10 Plaintiff objects to this Request as unreasonably cumulative of Requests for Admissions
 11 Nos. 9, 10, and 11. *See e.g., Thorpe v. Hearn*, No. 219CV1974KJMKJNP, 2022 WL 902891, at
 12 *5 (E.D. Cal. Mar. 28, 2022) (“Where requests for admission ... are unreasonably cumulative and
 13 duplicative of other discovery taken in the case, the requests do not serve the purpose of Rule
 14 36(a) and are properly subject to objection.”) (internal citations omitted); *see also K.C.R. v. Cnty.*
 15 *of Los Angeles*, No. CV 13-3806 PSG SSX, 2014 WL 3433925, at *4 (C.D. Cal. July 14, 2014).

16 Subject to and without waiving these general and specific objections, Plaintiff admits that
 17 Plaintiff has entered into licensing agreements with Plaintiff’s publisher for the Asserted Works
 18 and directs Meta to the terms of such licensing agreements, which speak for themselves.

19 **REQUEST FOR ADMISSION NO. 75:**

20 Admit that the publishers of YOUR ASSERTED WORK(S) do not possess the right to
 21 license the ASSERTED WORK(S) as training data for LLMs.

22 **RESPONSE TO REQUEST FOR ADMISSION NO. 74:**

23 Plaintiff objects to this Request as unreasonably cumulative of Requests for Admissions
 24 Nos. 9, 10, 11, and 69. *See e.g., Thorpe v. Hearn*, No. 219CV1974KJMKJNP, 2022 WL 902891,
 25 at *5 (E.D. Cal. Mar. 28, 2022) (“Where requests for admission ... are unreasonably cumulative
 26 and duplicative of other discovery taken in the case, the requests do not serve the purpose of Rule
 27 36(a) and are properly subject to objection.”) (internal citations omitted); *see also K.C.R. v. Cnty.*
 28 *of Los Angeles*, No. CV 13-3806 PSG SSX, 2014 WL 3433925, at *4 (C.D. Cal. July 14, 2014).

1 Subject to and without waiving these general and specific objections, Plaintiff admits that
 2 Plaintiff has entered into licensing agreements with Plaintiff's publisher for the Asserted Works
 3 and directs Meta to the terms of such licensing agreements, which speak for themselves.

4 **REQUEST FOR ADMISSION NO. 76:**

5 Admit that the publishers of YOUR ASSERTED WORK(S) would need YOUR
 6 permission to license the ASSERTED WORK(S) as training data for LLMs.

7 **RESPONSE TO REQUEST FOR ADMISSION NO. 75:**

8 Plaintiff objects that the terms "YOUR permission" are vague and ambiguous. Plaintiff
 9 objects to this Request because it is a hypothetical untethered to the facts of the case. *See, e.g.,*
 10 *Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at *5 (N.D. Ill. Dec. 7, 2016) ("Since
 11 requests to admit 'must be connected to the facts of the case, courts do not permit "hypothetical"
 12 questions within requests for admission.'"); *Fulhorst v. Un. Techs. Auto., Inc.*, 1997 WL 873548,
 13 at *3 (D. Del. Nov. 17, 1997) (denying request "asking Plaintiff to admit to infringement in the
 14 context of the hypothetical use of its device"); Fed. R. Civ. P. 36 advisory committee's note to
 15 1946 amendment; *Universal Dyeing & Printing, Inc. v. Zoetop Bus. Co.*, No.
 16 CV223741FLARAOX, 2023 WL 9004983, at *21 (C.D. Cal. June 23, 2023) (denying motion to
 17 compel where the Request for Admission was a hypothetical not tied to the facts at issue and an
 18 affirmative response would not reduce the burden on a jury at trial) (*citing Advantus, Corp. v.*
 19 *Sandpiper of Cal., Inc.*, No.: 19cv1892-CAB (NLS), 2021 WL 2038318, at *2 (S.D. Cal. May 21,
 20 2021) and *Apple Inc. v. Samsung Elecs. Co.*, No. C 11-cv-1846 LHK (PSG), 2012 WL 952254, at
 21 *4 (N.D. Cal. Mar. 20, 2012)).

22 Subject to and without waiving these general and specific objections, Plaintiff admits
 23 Request No. 76.

24 **REQUEST FOR ADMISSION NO. 77:**

25 Admit that YOU have not granted another PERSON the right to license YOUR
 26 ASSERTED WORK(S) as training data for LLMs.

27 **RESPONSE TO REQUEST FOR ADMISSION NO. 76:**

28 Plaintiff objects to this Request as unreasonably cumulative of Requests for Admissions

REQUEST FOR ADMISSION NO. 81:

Admit that you are not aware of any agreements to assign rights in or to YOUR ASSERTED WORK(S) that have not already been produced in this ACTION.

RESPONSE TO REQUEST FOR ADMISSION NO. 80:

Plaintiff objects that the terms “any agreements” and “assign rights in or to” are vague and ambiguous. Plaintiff further objects to this Request as compound and ambiguous, because it includes the disjunctive phrase, “in or to.” “[R]equests for admissions should not contain ‘compound, conjunctive, or disjunctive ... statements.’” *James v. Maguire Corr. Facility*, No. C 10-1795 SI PR, 2012 WL 3939343, at *4 (N.D. Cal. Sept. 10, 2012) (*quoting U.S. ex rel. England v. Los Angeles County*, 235 F.R.D. 675, 684 (E.D. Cal. 2006)); *see also King v. Biter*, No. 115CV00414LJOSABPC, 2018 WL 339052, at *6 (E.D. Cal. Jan. 9, 2018).

Subject to and without waiving these general and specific objections, Plaintiff admits discovery is ongoing. Plaintiff further admits that Plaintiff has produced non-privileged documents in Plaintiff’s possession, custody, or control, responsive to Meta’s requests for production regarding licensing agreements for Plaintiff’s Asserted Works. Plaintiff otherwise denies this Request.

Dated: November 18, 2024 Respectfully submitted,

LIEFF CABRASER HEIMANN & BERNSTEIN, LLP

By: /s/ Rachel Geman
Rachel Geman

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11 Betsy A. Sugar (*pro hac vice* forthcoming)
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26 *Representative Plaintiffs and the Proposed Class*
27
28

CERTIFICATE OF SERVICE

I hereby certify that on November 18, 2024, and based on the Parties' agreements in this regard, a copy of the foregoing was served via electronic mail to all counsel of record in this matter.

/s/ Betsy Anne Sugar

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Representative Plaintiffs and the
Proposed Class*

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

RICHARD KADREY, SARAH SILVERMAN,
CHRISTOPHER GOLDEN, TA-NEHISI
COATES, JUNOT DÍAZ, DAVID HENRY
HWANG, ANDREW SEAN GREER,
MATTHEW KLAM, LAURA LIPPMAN,
RACHEL LOUISE SNYDER, JACQUELINE
WOODSON, AND LYSA TERKEURST,

Individual and Representative Plaintiffs,

v.

META PLATFORMS, INC.;

Defendant.

Case No. 3:23-cv-03417-VC

**PLAINTIFF ANDREW SEAN GREER'S
RESPONSES AND OBJECTIONS TO
DEFENDANT META PLATFORMS,
INC.'S THIRD SET OF REQUESTS FOR
ADMISSION**

PROPOUNDING PARTY: Defendant Meta Platforms, Inc.

RESPONDING PARTY: ANDREW SEAN GREER

SET NUMBER: Three (3)

*4 (N.D. Cal. Mar. 20, 2012)). Plaintiff further objects to this Request as an improper use of requests for admissions under Federal Rule 36 because it reflects an attempt by Meta to gather evidence regarding a new topic and non-defendant, rather than an effort to narrow the issues for trial. “The goal of Requests for Admission is to eliminate from the trial issues as to which there is no genuine dispute and, therefore, Requests for Admissions are not intended to be used as means of gathering evidence.” *Bovarie v. Schwarzenegger*, No. 08CV1661 LAB NLS, 2011 WL 719206, at *6 (S.D. Cal. Feb. 22, 2011) (citing *Google Inc. v. American Blind & Wallpaper Factory, Inc.*, 2006 WL 2578277 (N.D. Cal. Sept. 6, 2006)). To discover new information, parties must use other methods, like depositions, document requests, or interrogatories. *See, e.g., Republic of Turkey v. Christie’s, Inc.*, 326 F.R.D. 394, 399 (S.D.N.Y. 2018) (explaining that “[w]hile the basic purpose of discovery is to elicit facts and information and to obtain production of documents, Rule 36 was not designed for this purpose”) (quoting 7 Moore’s Federal Practice § 36.02[1]); *Spectrum Dynamics Med. Ltd. V. Gen. Elec. Co.*, 18CV11386VSBKHP, 2021 WL 735241, at *2 (S.D.N.Y. Feb. 25, 2021) (explaining that RFAs “are not designed to discover information like other discovery rules such as Rule 34” and excusing a party from responding where RFAs were “tantamount to contention interrogatories”). Plaintiff further objects to this Request as calling for legal analysis and a legal conclusion. Subject to and without waiver of the foregoing objections, no response is required; and to the extent one is required, Plaintiff lacks sufficient knowledge to either admit or deny this Request.

REQUEST FOR ADMISSION 70:

Admit that YOU have not granted the publishers of YOUR ASSERTED WORK(S) the right to license the ASSERTED WORK(S) as training data for LLMs.

RESPONSE TO REQUEST NO. 70:

Plaintiff objects to this Request as unreasonably cumulative of Requests for Admissions Numbers 9, 10, and 11. *See e.g., Thorpe v. Hearn*, No. 219CV1974KJMKJNP, 2022 WL 902891, at *5 (E.D. Cal. Mar. 28, 2022) (“Where requests for admission ... are unreasonably cumulative and

1 duplicative of other discovery taken in the case, the requests do not serve the purpose of Rule 36(a)
2 and are properly subject to objection.”) (internal citations omitted); *see also K.C.R. v. Cnty. of Los*
3 *Angeles*, No. CV 13-3806 PSG SSX, 2014 WL 3433925, at *4 (C.D. Cal. July 14, 2014). Subject
4 to and without waiver of the foregoing objections, Plaintiff admits that Plaintiff has entered into
5 licensing agreements with Plaintiff’s publisher for the ASSERTED WORKS and directs Meta to
6 the terms of such licensing agreements, which speak for themselves.

7 **REQUEST FOR ADMISSION 71:**

8 Admit that the publishers of YOUR ASSERTED WORK(S) do not possess the right to license the
9 ASSERTED WORK(S) as training data for LLMs.

10 **RESPONSE TO REQUEST NO. 71:**

11 Plaintiff objects to this Request as unreasonably cumulative of Requests for Admissions Numbers
12 9, 10, 11, and 69. *See e.g., Thorpe v. Hearn*, No. 219CV1974KJMKJNP, 2022 WL 902891, at *5
13 (E.D. Cal. Mar. 28, 2022) (“Where requests for admission ... are unreasonably cumulative and
14 duplicative of other discovery taken in the case, the requests do not serve the purpose of Rule 36(a)
15 and are properly subject to objection.”) (internal citations omitted); *see also K.C.R. v. Cnty. of Los*
16 *Angeles*, No. CV 13-3806 PSG SSX, 2014 WL 3433925, at *4 (C.D. Cal. July 14, 2014). Subject
17 to and without waiver of the foregoing objections, Plaintiff admits that Plaintiff has entered into
18 licensing agreements with Plaintiff’s publisher for the ASSERTED WORKS and directs Meta to
19 the terms of such licensing agreements, which speak for themselves.

20 **REQUEST FOR ADMISSION 72:**

21 Admit that the publishers of YOUR ASSERTED WORK(S) would need YOUR permission to
22 license the ASSERTED WORK(S) as training data for LLMs.

23 **RESPONSE TO REQUEST NO. 72:**

24 Plaintiff objects to this Request as vague and ambiguous as to the phrase, “YOUR permission.
25 Plaintiff further objects to this Request because it is an incomplete hypothetical untethered to the
26 facts of the case. *See, e.g., Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at *5 (N.D. Ill. Dec.

1 115CV00414LJOSABPC, 2018 WL 339052, at *6 (E.D. Cal. Jan. 9, 2018). Subject to and without
2 waiving the foregoing objections, Plaintiff admits discovery is ongoing. Plaintiff further admits
3 that Plaintiff has produced non-privileged documents in Plaintiff's possession, custody, or control,
4 responsive to Meta's requests for production regarding licensing agreements for Plaintiff's
5 ASSERTED WORKS. Plaintiff otherwise denies this Request.

6
7
8 Dated: November 18, 2024

By: /s/Mohammed A. Rathur
Mohammed A. Rathur

9
10 Bryan L. Clobes (pro hac vice)
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14 asweatman@caffertyclobes.com
15 mrathur@caffertyclobes.com

16 *Counsel for Plaintiffs and the Proposed Class*
17
18
19
20
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22
23
24
25
26

CERTIFICATE OF SERVICE

The undersigned certifies that on November 18, 2024 a true and accurate copy of the following document was served via email on the following counsel of record in the attached service list:

- **PLAINTIFF ANDREW SEAN GREER'S RESPONSES AND OBJECTIONS TO DEFENDANT META PLATFORMS, INC.'S THIRD SET OF REQUESTS FOR ADMISSION**

/s/Mohammed A. Rathur

Mohammed A. Rathur

Bryan L. Clobes (pro hac vice)

Alexander J. Sweatman (pro hac vice)

Mohammed A. Rathur (pro hac vice)

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*Counsel for Individual and
Representative Plaintiffs and the
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One of Plaintiffs' Counsel

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*Counsel for Individual and
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

RICHARD KADREY, SARAH SILVERMAN,
CHRISTOPHER GOLDEN, TA-NEHISI
COATES, JUNOT DÍAZ, ANDREW SEAN
GREER, DAVID HENRY HWANG,
MATTHEW KLAM, LAURA LIPPMAN,
RACHEL LOUISE SNYDER, JACQUELINE
WOODSON, AND LYSA TERKEURST,

Individual and Representative Plaintiffs,

v.

META PLATFORMS, INC.;

Defendant.

Case No. 3:23-cv-03417-VC

**PLAINTIFF DAVID HENRY HWANG'S
RESPONSES AND OBJECTIONS TO
DEFENDANT META PLATFORMS,
INC.'S THIRD SET OF REQUESTS FOR
ADMISSION**

PROPOUNDING PARTY: Defendant Meta Platforms, Inc.

RESPONDING PARTY: DAVID HENRY HWANG

SET NUMBER: Three (3)

REQUEST FOR ADMISSION 69:

Admit that YOU have not granted the publishers of YOUR ASSERTED WORK(S) the right to license the ASSERTED WORK(S) as training data for LLMs.

RESPONSE TO REQUEST NO. 69:

Plaintiff objects to this Request as unreasonably cumulative of Requests for Admissions Numbers 9, 10, and 11. *See e.g., Thorpe v. Hearn*, No. 219CV1974KJMKJNP, 2022 WL 902891, at *5 (E.D. Cal. Mar. 28, 2022) (“Where requests for admission ... are unreasonably cumulative and duplicative of other discovery taken in the case, the requests do not serve the purpose of Rule 36(a) and are properly subject to objection.”) (internal citations omitted); *see also K.C.R. v. Cnty. of Los Angeles*, No. CV 13-3806 PSG SSX, 2014 WL 3433925, at *4 (C.D. Cal. July 14, 2014). Subject to and without waiver of the foregoing objections, Plaintiff admits that Plaintiff has entered into licensing agreements with Plaintiff’s publisher for the ASSERTED WORKS and directs Meta to the terms of such licensing agreements, which speak for themselves.

REQUEST FOR ADMISSION 70:

Admit that the publishers of YOUR ASSERTED WORK(S) do not possess the right to license the ASSERTED WORK(S) as training data for LLMs.

RESPONSE TO REQUEST NO. 70:

Plaintiff objects to this Request as unreasonably cumulative of Requests for Admissions Numbers 9, 10, 11, and 69. *See e.g., Thorpe v. Hearn*, No. 219CV1974KJMKJNP, 2022 WL 902891, at *5 (E.D. Cal. Mar. 28, 2022) (“Where requests for admission ... are unreasonably cumulative and duplicative of other discovery taken in the case, the requests do not serve the purpose of Rule 36(a) and are properly subject to objection.”) (internal citations omitted); *see also K.C.R. v. Cnty. of Los Angeles*, No. CV 13-3806 PSG SSX, 2014 WL 3433925, at *4 (C.D. Cal. July 14, 2014). Subject to and without waiver of the foregoing objections, Plaintiff admits that Plaintiff has entered into licensing agreements with Plaintiff’s publisher for the ASSERTED WORKS and directs Meta to the terms of such licensing agreements, which speak for themselves.

RESPONSE TO REQUEST NO. 76:

Plaintiff objects to this Request as vague and ambiguous as to the phrase “any agreements” and “assign rights in or to.” Plaintiff further objects to this Request as compound and ambiguous, because it includes the disjunctive phrase, “in or to.” “[R]equests for admissions should not contain ‘compound, conjunctive, or disjunctive ... statements.’” *James v. Maguire Corr. Facility*, No. C 10-1795 SI PR, 2012 WL 3939343, at *4 (N.D. Cal. Sept. 10, 2012) (*quoting U.S. ex rel. England v. Los Angeles County*, 235 F.R.D. 675, 684 (E.D. Cal. 2006)); *see also King v. Biter*, No. 115CV00414LJOSABPC, 2018 WL 339052, at *6 (E.D. Cal. Jan. 9, 2018). Subject to and without waiving the foregoing objections, Plaintiff admits discovery is ongoing. Plaintiff further admits that Plaintiff has produced non-privileged documents in Plaintiff’s possession, custody, or control, responsive to Meta’s requests for production regarding licensing agreements for Plaintiff’s ASSERTED WORKS. Plaintiff otherwise denies this Request.

Dated: November 18, 2024

By: /s/Mohammed A. Rathur
Mohammed A. Rathur

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Alexander J. Sweatman (pro hac vice)
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Counsel for Plaintiffs and the Proposed Class

CERTIFICATE OF SERVICE

The undersigned certifies that on November 18, 2024 a true and accurate copy of the following document was served via email on the following counsel of record in the attached service list:

- **PLAINTIFF DAVID HENRY HWANG'S RESPONSES AND OBJECTIONS TO DEFENDANT META PLATFORMS, INC.'S THIRD SET OF REQUESTS FOR ADMISSION**

/s/Mohammed A. Rathur

Mohammed A. Rathur

Bryan L. Clobes (pro hac vice)

Alexander J. Sweatman (pro hac vice)

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Representative Plaintiffs and the
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One of Plaintiffs' Counsel

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Counsel for Defendant Meta Platforms, Inc.

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*Counsel for Plaintiffs and the Proposed Class,
Additional Counsel Listed Below*

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RICHARD KADREY, SARAH SILVERMAN,
CHRISTOPHER GOLDEN, TA-NEHISI
COATES, JUNOT DÍAZ, ANDREW SEAN
GREER, DAVID HENRY HWANG,
MATTHEW KLAM, LAURA LIPPMAN,
RACHEL LOUISE SNYDER, JACQUELINE
WOODSON, AND LYSA TERKEURST,

Individual and Representative Plaintiffs,

v.

META PLATFORMS, INC.;

Defendant.

Case No. 3:23-cv-03417-VC

**PLAINTIFF MATTHEW KLAM'S
RESPONSES AND OBJECTIONS TO
DEFENDANT META PLATFORMS,
INC.'S THIRD SET OF REQUESTS FOR
ADMISSION**

PROPOUNDING PARTY: Defendant Meta Platforms, Inc.

RESPONDING PARTY: Matthew Klam

SET NUMBER: Three (3)

1 *4 (N.D. Cal. Mar. 20, 2012)). Plaintiff further objects to this Request as an improper use of
 2 requests for admissions under Federal Rule 36 because it reflects an attempt by Meta to gather
 3 evidence regarding a new topic and non-defendant, rather than an effort to narrow the issues for
 4 trial. “The goal of Requests for Admission is to eliminate from the trial issues as to which there is
 5 no genuine dispute and, therefore, Requests for Admissions are not intended to be used as means
 6 of gathering evidence.” *Bovarie v. Schwarzenegger*, No. 08CV1661 LAB NLS, 2011 WL 719206,
 7 at *6 (S.D. Cal. Feb. 22, 2011) (citing *Google Inc. v. American Blind & Wallpaper Factory, Inc.*,
 8 2006 WL 2578277 (N.D. Cal. Sept. 6, 2006)). To discover new information, parties must use other
 9 methods, like depositions, document requests, or interrogatories. *See, e.g., Republic of Turkey v.*
 10 *Christie’s, Inc.*, 326 F.R.D. 394, 399 (S.D.N.Y. 2018) (explaining that “[w]hile the basic purpose
 11 of discovery is to elicit facts and information and to obtain production of documents, Rule 36 was
 12 not designed for this purpose”) (quoting 7 Moore’s Federal Practice § 36.02[1]); *Spectrum*
 13 *Dynamics Med. Ltd. V. Gen. Elec. Co.*, 18CV11386VSBKHP, 2021 WL 735241, at *2 (S.D.N.Y.
 14 Feb. 25, 2021) (explaining that RFAs “are not designed to discover information like other
 15 discovery rules such as Rule 34” and excusing a party from responding where RFAs were
 16 “tantamount to contention interrogatories”). Plaintiff further objects to this Request as calling for
 17 legal analysis and a legal conclusion. Subject to and without waiver of the foregoing objections,
 18 no response is required; and to the extent one is required, Plaintiff lacks sufficient knowledge to
 19 either admit or deny this Request.

20 **REQUEST FOR ADMISSION 67:**

21 Admit that YOU have not granted the publishers of YOUR ASSERTED WORK(S) the right to
 22 license the ASSERTED WORK(S) as training data for LLMs.

23 **RESPONSE TO REQUEST NO. 67:**

24 Plaintiff objects to this Request as unreasonably cumulative of Requests for Admissions Numbers
 25 9, 10, and 11. *See e.g., Thorpe v. Hearn*, No. 219CV1974KJMKJNP, 2022 WL 902891, at *5 (E.D.
 26 Cal. Mar. 28, 2022) (“Where requests for admission ... are unreasonably cumulative and
 27

1 duplicative of other discovery taken in the case, the requests do not serve the purpose of Rule 36(a)
 2 and are properly subject to objection.”) (internal citations omitted); *see also K.C.R. v. Cnty. of Los*
 3 *Angeles*, No. CV 13-3806 PSG SSX, 2014 WL 3433925, at *4 (C.D. Cal. July 14, 2014). Subject
 4 to and without waiver of the foregoing objections, Plaintiff admits that Plaintiff has entered into
 5 licensing agreements with Plaintiff’s publisher for the ASSERTED WORKS and directs Meta to
 6 the terms of such licensing agreements, which speak for themselves.

7 **REQUEST FOR ADMISSION 68:**

8 Admit that the publishers of YOUR ASSERTED WORK(S) do not possess the right to license the
 9 ASSERTED WORK(S) as training data for LLMs.

10 **RESPONSE TO REQUEST NO. 68:**

11 Plaintiff objects to this Request as unreasonably cumulative of Requests for Admissions Numbers
 12 9, 10, 11, and 69. *See e.g., Thorpe v. Hearn*, No. 219CV1974KJMKJNP, 2022 WL 902891, at *5
 13 (E.D. Cal. Mar. 28, 2022) (“Where requests for admission ... are unreasonably cumulative and
 14 duplicative of other discovery taken in the case, the requests do not serve the purpose of Rule 36(a)
 15 and are properly subject to objection.”) (internal citations omitted); *see also K.C.R. v. Cnty. of Los*
 16 *Angeles*, No. CV 13-3806 PSG SSX, 2014 WL 3433925, at *4 (C.D. Cal. July 14, 2014). Subject
 17 to and without waiver of the foregoing objections, Plaintiff admits that Plaintiff has entered into
 18 licensing agreements with Plaintiff’s publisher for the ASSERTED WORKS and directs Meta to
 19 the terms of such licensing agreements, which speak for themselves.

20 **REQUEST FOR ADMISSION 69:**

21 Admit that the publishers of YOUR ASSERTED WORK(S) would need YOUR permission to
 22 license the ASSERTED WORK(S) as training data for LLMs.

23 **RESPONSE TO REQUEST NO. 69:**

24 Plaintiff objects to this Request as vague and ambiguous as to the phrase, “YOUR permission.
 25 Plaintiff further objects to this Request because it is an incomplete hypothetical untethered to the
 26 facts of the case. *See, e.g., Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at *5 (N.D. Ill. Dec.

1
2
3 Dated: November 18, 2024

By: /s/Mohammed A. Rathur
Mohammed A. Rathur

4 Bryan L. Clobes (pro hac vice)
5 Alexander J. Sweatman (pro hac vice)
6 Mohammed A. Rathur (pro hac vice)
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Counsel for Plaintiffs and the Proposed Class
Class

CERTIFICATE OF SERVICE

The undersigned certifies that on November 18, 2024 a true and accurate copy of the following document was served via email on the following counsel of record in the attached service list:

- **PLAINTIFF MATTHEW KLAM'S RESPONSES AND OBJECTIONS TO
DEFENDANT META PLATFORMS, INC.'S THIRD SET OF REQUESTS FOR
ADMISSION**

/s/Mohammed A. Rathur

Mohammed A. Rathur

Bryan L. Clobes (pro hac vice)

Alexander J. Sweatman (pro hac vice)

Mohammed A. Rathur (pro hac vice)

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*Counsel for Individual and
Representative Plaintiffs and the
Proposed Class*

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

RICHARD KADREY, SARAH SILVERMAN,
CHRISTOPHER GOLDEN, TA-NEHISI
COATES, JUNOT DÍAZ, ANDREW SEAN
GREER, DAVID HENRY HWANG,
MATTHEW KLAM, LAURA LIPPMAN,
RACHEL LOUISE SNYDER, JACQUELINE
WOODSON, AND LYSA TERKEURST,

Individual and Representative Plaintiffs,

v.

META PLATFORMS, INC.;

Defendant.

Case No. 3:23-cv-03417-VC

**PLAINTIFF LAURA LIPPMAN'S
RESPONSES AND OBJECTIONS TO
DEFENDANT META PLATFORMS,
INC.'S THIRD SET OF REQUESTS FOR
ADMISSION**

PROPOUNDING PARTY: Defendant Meta Platforms, Inc.

RESPONDING PARTY: LAURA LIPPMAN

SET NUMBER: Three (3)

1 “tantamount to contention interrogatories”). Plaintiff further objects to this Request as calling for
 2 legal analysis and a legal conclusion. Subject to and without waiver of the foregoing objections,
 3 no response is required; and to the extent one is required, Plaintiff lacks sufficient knowledge to
 4 either admit or deny this Request.

5 **REQUEST FOR ADMISSION 75:**

6 Admit that YOU have not granted the publishers of YOUR ASSERTED WORK(S) the right to
 7 license the ASSERTED WORK(S) as training data for LLMs.

8 **RESPONSE TO REQUEST NO. 75:**

9 Plaintiff objects to this Request as unreasonably cumulative of Requests for Admissions Numbers
 10 9, 10, and 11. *See e.g., Thorpe v. Hearn*, No. 219CV1974KJMKJNP, 2022 WL 902891, at *5 (E.D.
 11 Cal. Mar. 28, 2022) (“Where requests for admission ... are unreasonably cumulative and
 12 duplicative of other discovery taken in the case, the requests do not serve the purpose of Rule 36(a)
 13 and are properly subject to objection.”) (internal citations omitted); *see also K.C.R. v. Cnty. of Los*
 14 *Angeles*, No. CV 13-3806 PSG SSX, 2014 WL 3433925, at *4 (C.D. Cal. July 14, 2014). Subject
 15 to and without waiver of the foregoing objections, Plaintiff admits that Plaintiff has entered into
 16 licensing agreements with Plaintiff’s publisher for the ASSERTED WORKS and directs Meta to
 17 the terms of such licensing agreements, which speak for themselves.

18 **REQUEST FOR ADMISSION 76:**

19 Admit that the publishers of YOUR ASSERTED WORK(S) do not possess the right to license the
 20 ASSERTED WORK(S) as training data for LLMs.

21 **RESPONSE TO REQUEST NO. 76:**

22 Plaintiff objects to this Request as unreasonably cumulative of Requests for Admissions Numbers
 23 9, 10, 11, and 69. *See e.g., Thorpe v. Hearn*, No. 219CV1974KJMKJNP, 2022 WL 902891, at *5
 24 (E.D. Cal. Mar. 28, 2022) (“Where requests for admission ... are unreasonably cumulative and
 25 duplicative of other discovery taken in the case, the requests do not serve the purpose of Rule 36(a)
 26 and are properly subject to objection.”) (internal citations omitted); *see also K.C.R. v. Cnty. of Los*

1 *Angeles*, No. CV 13-3806 PSG SSX, 2014 WL 3433925, at *4 (C.D. Cal. July 14, 2014). Subject
 2 to and without waiver of the foregoing objections, Plaintiff admits that Plaintiff has entered into
 3 licensing agreements with Plaintiff's publisher for the ASSERTED WORKS and directs Meta to
 4 the terms of such licensing agreements, which speak for themselves.

5 **REQUEST FOR ADMISSION 77:**

6 Admit that the publishers of YOUR ASSERTED WORK(S) would need YOUR permission to
 7 license the ASSERTED WORK(S) as training data for LLMs.

8 **RESPONSE TO REQUEST NO. 77:**

9 Plaintiff objects to this Request as vague and ambiguous as to the phrase, "YOUR permission.
 10 Plaintiff further objects to this Request because it is an incomplete hypothetical untethered to the
 11 facts of the case. *See, e.g., Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at *5 (N.D. Ill. Dec.
 12 7, 2016) ("Since requests to admit 'must be connected to the facts of the case, courts do not permit
 13 "hypothetical" questions within requests for admission.'"); *Fulhorst v. Un. Techs. Auto., Inc.*, 1997
 14 WL 873548, at *3 (D. Del. Nov. 17, 1997) (denying request "asking Plaintiff to admit to
 15 infringement in the context of the hypothetical use of its device"); Fed. R. Civ. P. 36 advisory
 16 committee's note to 1946 amendment; *Universal Dyeing & Printing, Inc. v. Zoetop Bus. Co.*, No.
 17 CV223741FLARAOX, 2023 WL 9004983, at *21 (C.D. Cal. June 23, 2023) (denying motion to
 18 compel where the Request for Admission was a hypothetical not tied to the facts at issue and an
 19 affirmative response would not reduce the burden on a jury at trial) (*citing Advantus, Corp. v.*
 20 *Sandpiper of Cal., Inc.*, No.: 19cv1892-CAB (NLS), 2021 WL 2038318, at *2 (S.D. Cal. May 21,
 21 2021) and *Apple Inc. v. Samsung Elecs. Co.*, No. C 11-cv-1846 LHK (PSG), 2012 WL 952254, at
 22 *4 (N.D. Cal. Mar. 20, 2012)). Subject to and without waiver of the foregoing objections, Plaintiff
 23 admits this Request.

24 **REQUEST FOR ADMISSION 78:**

25 Admit that YOU have not granted another PERSON the right to license YOUR ASSERTED
 26 WORK(S) as training data for LLMs.

1 Request regarding the content of the ASSERTED WORKS of any other Plaintiff. Plaintiff therefore
 2 lacks sufficient knowledge to either admit or deny this Request.

3 **REQUEST FOR ADMISSION 82:**

4 Admit that you are not aware of any agreements to assign rights in or to YOUR ASSERTED
 5 WORK(S) that have not already been produced in this ACTION.

6 **RESPONSE TO REQUEST NO. 82:**

7 Plaintiff objects to this Request as vague and ambiguous as to the phrase “any agreements” and
 8 “assign rights in or to.” Plaintiff further objects to this Request as compound and ambiguous,
 9 because it includes the disjunctive phrase, “in or to.” “[R]equests for admissions should not contain
 10 ‘compound, conjunctive, or disjunctive ... statements.’” *James v. Maguire Corr. Facility*, No. C
 11 10-1795 SI PR, 2012 WL 3939343, at *4 (N.D. Cal. Sept. 10, 2012) (*quoting U.S. ex rel. England*
 12 *v. Los Angeles County*, 235 F.R.D. 675, 684 (E.D. Cal. 2006)); *see also King v. Biter*, No.
 13 115CV00414LJOSABPC, 2018 WL 339052, at *6 (E.D. Cal. Jan. 9, 2018). Subject to and without
 14 waiving the foregoing objections, Plaintiff admits discovery is ongoing. Plaintiff further admits
 15 that Plaintiff has produced non-privileged documents in Plaintiff’s possession, custody, or control,
 16 responsive to Meta’s requests for production regarding licensing agreements for Plaintiff’s
 17 ASSERTED WORKS. Plaintiff otherwise denies this Request.

18
 19 Dated: November 18, 2024

By: /s/Mohammed A. Rathur
 Mohammed A. Rathur

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 Alexander J. Sweatman (pro hac vice)
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Counsel for Plaintiffs and the Proposed Class

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CERTIFICATE OF SERVICE

The undersigned certifies that on November 18, 2024 a true and accurate copy of the following document was served via email on the following counsel of record in the attached service list:

- **PLAINTIFF LAURA LIPPMAN'S RESPONSES AND OBJECTIONS TO DEFENDANT META PLATFORMS, INC.'S THIRD SET OF REQUESTS FOR ADMISSION**

/s/Mohammed A. Rathur

Mohammed A. Rathur

Bryan L. Clobes (pro hac vice)

Alexander J. Sweatman (pro hac vice)

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*Counsel for Individual and
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

RICHARD KADREY, SARAH SILVERMAN,
CHRISTOPHER GOLDEN, TA-NEHISI
COATES, JUNOT DÍAZ, ANDREW SEAN
GREER, DAVID HENRY HWANG,
MATTHEW KLAM, LAURA LIPPMAN,
RACHEL LOUISE SNYDER, JACQUELINE
WOODSON, AND LYSA TERKEURST,

Individual and Representative Plaintiffs,

v.

META PLATFORMS, INC.;

Defendant.

Case No. 3:23-cv-03417-VC

**PLAINTIFF RACHEL LOUISE
SNYDER'S RESPONSES AND
OBJECTIONS TO DEFENDANT META
PLATFORMS, INC.'S THIRD SET OF
REQUESTS FOR ADMISSION**

PROPOUNDING PARTY: Defendant Meta Platforms, Inc.

RESPONDING PARTY: RACHEL LOUISE SNYDER

SET NUMBER: Three (3)

1 methods, like depositions, document requests, or interrogatories. *See, e.g., Republic of Turkey v.*
 2 *Christie's, Inc.*, 326 F.R.D. 394, 399 (S.D.N.Y. 2018) (explaining that “[w]hile the basic purpose
 3 of discovery is to elicit facts and information and to obtain production of documents, Rule 36 was
 4 not designed for this purpose”) (quoting 7 Moore’s Federal Practice § 36.02[1]); *Spectrum*
 5 *Dynamics Med. Ltd. V. Gen. Elec. Co.*, 18CV11386VSBKHP, 2021 WL 735241, at *2 (S.D.N.Y.
 6 Feb. 25, 2021) (explaining that RFAs “are not designed to discover information like other
 7 discovery rules such as Rule 34” and excusing a party from responding where RFAs were
 8 “tantamount to contention interrogatories”). Plaintiff further objects to this Request as calling for
 9 legal analysis and a legal conclusion. Subject to and without waiver of the foregoing objections,
 10 no response is required; and to the extent one is required, Plaintiff lacks sufficient knowledge to
 11 either admit or deny this Request.

12 **REQUEST FOR ADMISSION 65:**

13 Admit that YOU have not granted the publishers of YOUR ASSERTED WORK(S) the right to
 14 license the ASSERTED WORK(S) as training data for LLMs.

15 **RESPONSE TO REQUEST NO. 65:**

16 Plaintiff objects to this Request as unreasonably cumulative of Requests for Admissions Numbers
 17 9, 10, and 11. *See e.g., Thorpe v. Hearn*, No. 219CV1974KJMKJNP, 2022 WL 902891, at *5 (E.D.
 18 Cal. Mar. 28, 2022) (“Where requests for admission ... are unreasonably cumulative and
 19 duplicative of other discovery taken in the case, the requests do not serve the purpose of Rule 36(a)
 20 and are properly subject to objection.”) (internal citations omitted); *see also K.C.R. v. Cnty. of Los*
 21 *Angeles*, No. CV 13-3806 PSG SSX, 2014 WL 3433925, at *4 (C.D. Cal. July 14, 2014). Subject
 22 to and without waiver of the foregoing objections, Plaintiff admits that Plaintiff has entered into
 23 licensing agreements with Plaintiff’s publisher for the ASSERTED WORKS and directs Meta to
 24 the terms of such licensing agreements, which speak for themselves.

25 **REQUEST FOR ADMISSION 66:**

1 Admit that the publishers of YOUR ASSERTED WORK(S) do not possess the right to license the
2 ASSERTED WORK(S) as training data for LLMs.

3 **RESPONSE TO REQUEST NO. 66:**

4 Plaintiff objects to this Request as unreasonably cumulative of Requests for Admissions Numbers
5 9, 10, 11, and 69. *See e.g., Thorpe v. Hearn*, No. 219CV1974KJMKJNP, 2022 WL 902891, at *5
6 (E.D. Cal. Mar. 28, 2022) (“Where requests for admission ... are unreasonably cumulative and
7 duplicative of other discovery taken in the case, the requests do not serve the purpose of Rule 36(a)
8 and are properly subject to objection.”) (internal citations omitted); *see also K.C.R. v. Cnty. of Los*
9 *Angeles*, No. CV 13-3806 PSG SSX, 2014 WL 3433925, at *4 (C.D. Cal. July 14, 2014). Subject
10 to and without waiver of the foregoing objections, Plaintiff admits that Plaintiff has entered into
11 licensing agreements with Plaintiff’s publisher for the ASSERTED WORKS and directs Meta to
12 the terms of such licensing agreements, which speak for themselves.

13 **REQUEST FOR ADMISSION 67:**

14 Admit that the publishers of YOUR ASSERTED WORK(S) would need YOUR permission to
15 license the ASSERTED WORK(S) as training data for LLMs.

16 **RESPONSE TO REQUEST NO. 67:**

17 Plaintiff objects to this Request as vague and ambiguous as to the phrase, “YOUR permission.
18 Plaintiff further objects to this Request because it is an incomplete hypothetical untethered to the
19 facts of the case. *See, e.g., Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at *5 (N.D. Ill. Dec.
20 7, 2016) (“Since requests to admit ‘must be connected to the facts of the case, courts do not permit
21 “hypothetical” questions within requests for admission.”); *Fulhorst v. Un. Techs. Auto., Inc.*, 1997
22 WL 873548, at *3 (D. Del. Nov. 17, 1997) (denying request “asking Plaintiff to admit to
23 infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P. 36 advisory
24 committee’s note to 1946 amendment; *Universal Dyeing & Printing, Inc. v. Zoetop Bus. Co.*, No.
25 CV223741FLARAOX, 2023 WL 9004983, at *21 (C.D. Cal. June 23, 2023) (denying motion to
26 compel where the Request for Admission was a hypothetical not tied to the facts at issue and an

1
2 Dated: November 18, 2024

By: /s/Mohammed A. Rathur
Mohammed A. Rathur

3 Bryan L. Clobes (pro hac vice)
4 Alexander J. Sweatman (pro hac vice)
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Counsel for Plaintiffs and the Proposed Class

CERTIFICATE OF SERVICE

The undersigned certifies that on November 18, 2024 a true and accurate copy of the following document was served via email on the following counsel of record in the attached service list:

- **PLAINTIFF RACHEL LOUISE SNYDER’S RESPONSES AND OBJECTIONS TO DEFENDANT META PLATFORMS, INC.’S THIRD SET OF REQUESTS FOR ADMISSION**

/s/Mohammed A. Rathur

Mohammed A. Rathur

Bryan L. Clobes (pro hac vice)

Alexander J. Sweatman (pro hac vice)

Mohammed A. Rathur (pro hac vice)

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6 *Counsel for Plaintiffs and the Proposed*
7 *Class, Additional Counsel Listed Below*

8 UNITED STATES DISTRICT COURT
9
10 NORTHERN DISTRICT OF CALIFORNIA

11 RICHARD KADREY, SARAH SILVERMAN,
12 CHRISTOPHER GOLDEN, TA-NEHISI
13 COATES, JUNOT DÍAZ, ANDREW SEAN
14 GREER, DAVID HENRY HWANG,
15 MATTHEW KLAM, LAURA LIPPMAN,
16 RACHEL LOUISE SNYDER, JACQUELINE
17 WOODSON, AND LYSA TERKEURST,

18 *Individual and Representative Plaintiffs,*

19 v.

20 META PLATFORMS, INC.;

21 *Defendant.*

Case No. 3:23-cv-03417-VC

22 **PLAINTIFF LYSA TERKEURST'S**
23 **RESPONSES AND OBJECTIONS TO**
24 **DEFENDANT META PLATFORMS,**
25 **INC.'S THIRD SET OF REQUESTS FOR**
26 **ADMISSION**

27 **PROPOUNDING PARTY: Defendant Meta Platforms, Inc.**

28 **RESPONDING PARTY: Lysa TerKeurst**

SET NUMBER: Three (3)

2021) and *Apple Inc. v. Samsung Elecs. Co.*, No. C 11-cv-1846 LHK (PSG), 2012 WL 952254, at *4 (N.D. Cal. Mar. 20, 2012)). Plaintiff further objects to this Request as an improper use of requests for admissions under Federal Rule 36 because it reflects an attempt by Meta to gather evidence regarding a new topic and non-defendant, rather than an effort to narrow the issues for trial. “The goal of Requests for Admission is to eliminate from the trial issues as to which there is no genuine dispute and, therefore, Requests for Admissions are not intended to be used as means of gathering evidence.” *Bovarie v. Schwarzenegger*, No. 08CV1661 LAB NLS, 2011 WL 719206, at *6 (S.D. Cal. Feb. 22, 2011) (citing *Google Inc. v. American Blind & Wallpaper Factory, Inc.*, 2006 WL 2578277 (N.D. Cal. Sept. 6, 2006)). To discover new information, parties must use other methods, like depositions, document requests, or interrogatories. *See, e.g., Republic of Turkey v. Christie’s, Inc.*, 326 F.R.D. 394, 399 (S.D.N.Y. 2018) (explaining that “[w]hile the basic purpose of discovery is to elicit facts and information and to obtain production of documents, Rule 36 was not designed for this purpose”) (quoting 7 Moore’s Federal Practice § 36.02[1]); *Spectrum Dynamics Med. Ltd. V. Gen. Elec. Co.*, 18CV11386VSBKHP, 2021 WL 735241, at *2 (S.D.N.Y. Feb. 25, 2021) (explaining that RFAs “are not designed to discover information like other discovery rules such as Rule 34” and excusing a party from responding where RFAs were “tantamount to contention interrogatories”). Plaintiff further objects to this Request as calling for legal analysis and a legal conclusion. Subject to and without waiver of the foregoing objections, no response is required; and to the extent one is required, Plaintiff lacks sufficient knowledge to either admit or deny this Request.

REQUEST FOR ADMISSION 69:

Admit that YOU have not granted the publishers of YOUR ASSERTED WORK(S) the right to license the ASSERTED WORK(S) as training data for LLMs.

RESPONSE TO REQUEST NO. 69:

Plaintiff objects to this Request as unreasonably cumulative of Requests for Admissions Numbers 9, 10, and 11. *See e.g., Thorpe v. Hearn*, No. 219CV1974KJMKJNP, 2022 WL 902891, at *5 (E.D.

Cal. Mar. 28, 2022) (“Where requests for admission ... are unreasonably cumulative and duplicative of other discovery taken in the case, the requests do not serve the purpose of Rule 36(a) and are properly subject to objection.”) (internal citations omitted); *see also K.C.R. v. Cnty. of Los Angeles*, No. CV 13-3806 PSG SSX, 2014 WL 3433925, at *4 (C.D. Cal. July 14, 2014). Subject to and without waiver of the foregoing objections, Plaintiff admits that Plaintiff has entered into licensing agreements with Plaintiff’s publisher for the ASSERTED WORKS and directs Meta to the terms of such licensing agreements, which speak for themselves.

REQUEST FOR ADMISSION 70:

Admit that the publishers of YOUR ASSERTED WORK(S) do not possess the right to license the ASSERTED WORK(S) as training data for LLMs.

RESPONSE TO REQUEST NO. 70:

Plaintiff objects to this Request as unreasonably cumulative of Requests for Admissions Numbers 9, 10, 11, and 69. *See e.g., Thorpe v. Hearn*, No. 219CV1974KJMKJNP, 2022 WL 902891, at *5 (E.D. Cal. Mar. 28, 2022) (“Where requests for admission ... are unreasonably cumulative and duplicative of other discovery taken in the case, the requests do not serve the purpose of Rule 36(a) and are properly subject to objection.”) (internal citations omitted); *see also K.C.R. v. Cnty. of Los Angeles*, No. CV 13-3806 PSG SSX, 2014 WL 3433925, at *4 (C.D. Cal. July 14, 2014). Subject to and without waiver of the foregoing objections, Plaintiff admits that Plaintiff has entered into licensing agreements with Plaintiff’s publisher for the ASSERTED WORKS and directs Meta to the terms of such licensing agreements, which speak for themselves.

REQUEST FOR ADMISSION 71:

Admit that the publishers of YOUR ASSERTED WORK(S) would need YOUR permission to license the ASSERTED WORK(S) as training data for LLMs.

RESPONSE TO REQUEST NO. 71:

Plaintiff objects to this Request as vague and ambiguous as to the phrase, “YOUR permission.” Plaintiff further objects to this Request because it is an incomplete hypothetical untethered to the

1 *v. Los Angeles County*, 235 F.R.D. 675, 684 (E.D. Cal. 2006)); *see also King v. Biter*, No.
 2 115CV00414LJOSABPC, 2018 WL 339052, at *6 (E.D. Cal. Jan. 9, 2018). Subject to and without
 3 waiving the foregoing objections, Plaintiff admits that Plaintiff has produced non-privileged
 4 documents in Plaintiff's possession, custody, or control, responsive to Meta's requests for
 5 production regarding licensing agreements for Plaintiff's ASSERTED WORKS. Plaintiff
 6 otherwise denies this Request.

7
 8
 9 Dated: November 18, 2024

By: /s/ James A. Ulwick
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*Counsel for Plaintiff TerKeurst and the Proposed
Class*

CERTIFICATE OF SERVICE

The undersigned certifies that on November 18, 2024, a true and correct copy of the following document was served via email on the following counsel of record in the attached service list:

- **PLAINTIFF LYSA TERKEURST'S RESPONSES AND OBJECTIONS TO
DEFENDANT META PLATFORMS, INC.'S THIRD SET OF REQUESTS FOR
ADMISSION**

/s/ James A. Ulwick
James A. Ulwick

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One of Plaintiffs' Counsel

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*Counsel for Defendant
Meta Platforms, Inc.*

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2 Alexander J. Sweatman (pro hac vice)
3 Mohammed A. Rathur (pro hac vice)
4 **CAFFERTY CLOBES MERIWETHER**
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12 *Counsel for Individual and*
13 *Representative Plaintiffs and the*
14 *Proposed Class*

8 UNITED STATES DISTRICT COURT
9
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12 RICHARD KADREY, SARAH SILVERMAN,
13 CHRISTOPHER GOLDEN, TA-NEHISI
14 COATES, JUNOT DÍAZ, ANDREW SEAN
15 GREER, DAVID HENRY HWANG,
16 MATTHEW KLAM, LAURA LIPPMAN,
17 RACHEL LOUISE SNYDER, JACQUELINE
18 WOODSON, AND LYSA TERKEURST,

19 *Individual and Representative Plaintiffs,*

20 v.

21 META PLATFORMS, INC.;

22 *Defendant.*

Case No. 3:23-cv-03417-VC

**PLAINTIFF JACQUELINE
WOODSON'S RESPONSES AND
OBJECTIONS TO DEFENDANT META
PLATFORMS, INC.'S THIRD SET OF
REQUESTS FOR ADMISSION**

23 **PROPOUNDING PARTY: Defendant Meta Platforms, Inc.**

24 **RESPONDING PARTY: JACQUELINE WOODSON**

25 **SET NUMBER: Three (3)**

1 “tantamount to contention interrogatories”). Plaintiff further objects to this Request as calling for
2 legal analysis and a legal conclusion. Subject to and without waiver of the foregoing objections,
3 no response is required; and to the extent one is required, Plaintiff lacks sufficient knowledge to
4 either admit or deny this Request.

5 **REQUEST FOR ADMISSION 83:**

6 Admit that YOU have not granted the publishers of YOUR ASSERTED WORK(S) the right to
7 license the ASSERTED WORK(S) as training data for LLMs.

8 **RESPONSE TO REQUEST NO. 83:**

9 Plaintiff objects to this Request as unreasonably cumulative of Requests for Admissions Numbers
10 9, 10, and 11. *See e.g., Thorpe v. Hearn*, No. 219CV1974KJMKJNP, 2022 WL 902891, at *5 (E.D.
11 Cal. Mar. 28, 2022) (“Where requests for admission ... are unreasonably cumulative and
12 duplicative of other discovery taken in the case, the requests do not serve the purpose of Rule 36(a)
13 and are properly subject to objection.”) (internal citations omitted); *see also K.C.R. v. Cnty. of Los*
14 *Angeles*, No. CV 13-3806 PSG SSX, 2014 WL 3433925, at *4 (C.D. Cal. July 14, 2014). Subject
15 to and without waiver of the foregoing objections, Plaintiff admits that Plaintiff has entered into
16 licensing agreements with Plaintiff’s publisher for the ASSERTED WORKS and directs Meta to
17 the terms of such licensing agreements, which speak for themselves.

18 **REQUEST FOR ADMISSION 84:**

19 Admit that the publishers of YOUR ASSERTED WORK(S) do not possess the right to license the
20 ASSERTED WORK(S) as training data for LLMs.

21 **RESPONSE TO REQUEST NO. 84:**

22 Plaintiff objects to this Request as unreasonably cumulative of Requests for Admissions Numbers
23 9, 10, 11, and 69. *See e.g., Thorpe v. Hearn*, No. 219CV1974KJMKJNP, 2022 WL 902891, at *5
24 (E.D. Cal. Mar. 28, 2022) (“Where requests for admission ... are unreasonably cumulative and
25 duplicative of other discovery taken in the case, the requests do not serve the purpose of Rule 36(a)
26 and are properly subject to objection.”) (internal citations omitted); *see also K.C.R. v. Cnty. of Los*

1 *Angeles*, No. CV 13-3806 PSG SSX, 2014 WL 3433925, at *4 (C.D. Cal. July 14, 2014). Subject
 2 to and without waiver of the foregoing objections, Plaintiff admits that Plaintiff has entered into
 3 licensing agreements with Plaintiff's publisher for the ASSERTED WORKS and directs Meta to
 4 the terms of such licensing agreements, which speak for themselves.

5 **REQUEST FOR ADMISSION 85:**

6 Admit that the publishers of YOUR ASSERTED WORK(S) would need YOUR permission to
 7 license the ASSERTED WORK(S) as training data for LLMs.

8 **RESPONSE TO REQUEST NO. 85:**

9 Plaintiff objects to this Request as vague and ambiguous as to the phrase, "YOUR permission.
 10 Plaintiff further objects to this Request because it is an incomplete hypothetical untethered to the
 11 facts of the case. *See, e.g., Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at *5 (N.D. Ill. Dec.
 12 7, 2016) ("Since requests to admit 'must be connected to the facts of the case, courts do not permit
 13 "hypothetical" questions within requests for admission.'"); *Fulhorst v. Un. Techs. Auto., Inc.*, 1997
 14 WL 873548, at *3 (D. Del. Nov. 17, 1997) (denying request "asking Plaintiff to admit to
 15 infringement in the context of the hypothetical use of its device"); Fed. R. Civ. P. 36 advisory
 16 committee's note to 1946 amendment; *Universal Dyeing & Printing, Inc. v. Zoetop Bus. Co.*, No.
 17 CV223741FLARAOX, 2023 WL 9004983, at *21 (C.D. Cal. June 23, 2023) (denying motion to
 18 compel where the Request for Admission was a hypothetical not tied to the facts at issue and an
 19 affirmative response would not reduce the burden on a jury at trial) (*citing Advantus, Corp. v.*
 20 *Sandpiper of Cal., Inc.*, No.: 19cv1892-CAB (NLS), 2021 WL 2038318, at *2 (S.D. Cal. May 21,
 21 2021) and *Apple Inc. v. Samsung Elecs. Co.*, No. C 11-cv-1846 LHK (PSG), 2012 WL 952254, at
 22 *4 (N.D. Cal. Mar. 20, 2012)). Subject to and without waiver of the foregoing objections, Plaintiff
 23 admits this Request.

24 **REQUEST FOR ADMISSION 86:**

25 Admit that YOU have not granted another PERSON the right to license YOUR ASSERTED
 26 WORK(S) as training data for LLMs.

1 Request regarding the content of the ASSERTED WORKS of any other Plaintiff. Plaintiff therefore
 2 lacks sufficient knowledge to either admit or deny this Request.

3 **REQUEST FOR ADMISSION 90:**

4 Admit that you are not aware of any agreements to assign rights in or to YOUR ASSERTED
 5 WORK(S) that have not already been produced in this ACTION.

6 **RESPONSE TO REQUEST NO. 90:**

7 Plaintiff objects to this Request as vague and ambiguous as to the phrase “any agreements” and
 8 “assign rights in or to.” Plaintiff further objects to this Request as compound and ambiguous,
 9 because it includes the disjunctive phrase, “in or to.” “[R]equests for admissions should not contain
 10 ‘compound, conjunctive, or disjunctive ... statements.’” *James v. Maguire Corr. Facility*, No. C
 11 10-1795 SI PR, 2012 WL 3939343, at *4 (N.D. Cal. Sept. 10, 2012) (*quoting U.S. ex rel. England*
 12 *v. Los Angeles County*, 235 F.R.D. 675, 684 (E.D. Cal. 2006)); *see also King v. Biter*, No.
 13 115CV00414LJOSABPC, 2018 WL 339052, at *6 (E.D. Cal. Jan. 9, 2018). Subject to and without
 14 waiving the foregoing objections, Plaintiff admits discovery is ongoing. Plaintiff further admits
 15 that Plaintiff has produced non-privileged documents in Plaintiff’s possession, custody, or control,
 16 responsive to Meta’s requests for production regarding licensing agreements for Plaintiff’s
 17 ASSERTED WORKS. Plaintiff otherwise denies this Request.

18
 19 Dated: November 18, 2024

By: /s/Mohammed A. Rathur
 Mohammed A. Rathur

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CERTIFICATE OF SERVICE

The undersigned certifies that on November 18, 2024 a true and accurate copy of the following document was served via email on the following counsel of record in the attached service list:

- **PLAINTIFF JACQUELINE WOODSON'S RESPONSES AND OBJECTIONS TO DEFENDANT META PLATFORMS, INC.'S THIRD SET OF REQUESTS FOR ADMISSION**

/s/Mohammed A. Rathur

Mohammed A. Rathur

Bryan L. Clobes (pro hac vice)

Alexander J. Sweatman (pro hac vice)

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